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COMMUNICATIONS

CITY GOVERNMENT IN JAPAN

By H. SAKUMA.

In order to understand the municipal organization of Japan it is necessary that the reader should appreciate the constitution of the electorate. The national law provides that the electorate for municipal government be limited to male subjects, householders twenty-five years of age, and of two years' residence, who pay local taxes as well as the land or some direct national tax of at least two yen and corporate bodies who pay taxes at least equal to the third highest sum paid by an individual member of the electoral body. All persons of unsound mind, those receiving public alms, bankrupts, those convicted of crime, and persons active in the military or naval service are disqualified from exercising the suffrage. The electorate is divided into three classes, each electing one-third of the candidates for office and thus holding one-third of the power. These classes consist of those members of the electoral body paying the first, second and final third parts of the taxes.

The government of cities is in the hands of a Mayor and a bi-cameral representative body consisting of aldermen, whose function is administrative, and councilmen who are the legislators upon local concerns. In addition the larger cities are divided into several administrative districts, each having a "meeting" and represented officially by the chief officers of the district appointed by the meeting or (as in the cities of Tokio, Osaka, and Kyoto) by the aldermen. In each district there are several electoral divisions from which representatives to the city council are chosen. Electors are required to vote in division of their residence or, if this be indeterminate, in that in which they pay the largest amount of taxes. Anyone entitled to vote may become a candidate for the council excepting those in the following positions: Officers of the local government, of the Prefecture or "Fu," within which the city is situated; salaried officers of the city government; public procurators and police officers; preachers and monks; and teachers in primary schools. Further precautions are taken to prevent a father and his son or brothers becoming members of the municipal government simultaneously. The term of councilmen is six years, one-half of the members being elected every three years. The size of the council is prescribed at thirty for cities of less than 50,000 population and thirty-six for cities of 100,000; in cities of over 100,000 and under 200,000 the number is increased by three for every

50,000 increase and every 100,000 increase respectively, but the maximum is set at sixty members. Changes in these numbers are allowed according to local conditions, providing they do not exceed the maximum limit set.

The national law on municipal government enumerates the following subjects for legislation: Promulgation and administration of city by-laws and regulations; municipal works to be supported by the municipality; the making of the annual budget; the assessment of urban taxation and other revenues for local purposes; and the management of municipal properties. Another function of the council is the recommendation of three candidates for the office of Mayor, one of whom is selected by the Minister of the Interior and then receives Imperial sanction and appointment. An adjutant alderman and chief officers of the district are also elected by this council. The meetings of the council are irregular, subject to the call of the chairman. The latter may be forced to call a meeting at the request of more than one-fourth of the council members or of the Mayor or the Board of Aldermen. The body may be adjourned at the will of the chairman. Though the members are unsalaried, citizens are required to accept election except under conditions specified in the law.

The Board of Aldermen is directly responsible for the city administration. It is composed of the Mayor, the Adjutants and other members elected from the council. The number of adjutants and other members varies from eight to fifteen, according to the size of the cities, but is in no case less than eight. The Mayor and the Adjutant are salaried and serve for six years. The qualifications of the candidate are far more liberal than for the other offices, the council having practically a free choice in his selection. The qualifications for the aldermen are the same as those for electors with the additional requisite that the candidate be at least thirty years of age. The Treasurer of the city government is appointed by the city council on recommendation of the aldermen. His appointment must, as in the case of the Adjutants, be confirmed by the Governor of the Fu. The salary and election of the Secretary and other minor officers, as well as their number, are left entirely to the board of aldermen. In short, this body is, as shown, a sub-division of the council acting with it in an advisory capacity and being in fact its executive committee. It recommends the legislation which is considered by the larger body and in certain cases, where the larger body does not conform to its desires, it may appeal for enforcement to the court of administrative litigation. A check is put upon its actions by the empowering of the Mayor on his own motion or by order of superior authorities to enjoin its deliberations or actions and bring them for review as to legality or propriety before the prefectural officers. The Mayor acts as chairman of the board of aldermen and all his acts are carried out in this capacity.

In conclusion it may be noted that the principle of the city acting as an agent of the general government, from which it cannot separate itself, is firmly established and, according to contemporary opinion, is in successful operation in Japan. This system, modeled upon Stein's plan for the reorganization of Prussian local government results in a centralized govern-

ment and yet when tempered with the spirit of home rule, as regards purely local affairs, gives to the city a measure of freedom in determining the details of local policy.

THE RELATION OF LONDON TO QUASI-PUBLIC WORKS

By HON. G. GOMME, Clerk of the London County Council.

Tramways.—Although empowered (under certain conditions) to construct (but not work) tramways in London (exclusive of the City of London, the local authority for which, so far as tramways are concerned, is the City of London Corporation), the Council's predecessor, the Metropolitan Board of Works, and the Council itself in its early years, did not attempt to exercise these powers, but left the construction of tramways to private companies. These companies had to obtain their powers from Parliament, either by a special act or by means of a provisional order from the Board of Trade (subsequently confirmed by Parliament). A necessary condition to the obtaining of such powers was the consent of the Metropolitan Board of Works (now the Council), and also of the various local authorities (now the Metropolitan Borough Councils) having control of the roads, provided that the site of more than one-third of the total length of the tramway was within their jurisdiction. These conditions remain the same, and consequently the Council, or the various metropolitan borough councils concerned (subject to the above conditions), have an absolute veto upon the construction of a tramway, or can impose certain conditions as in return for their consent.

In accordance with the provisions of the Tramways Act, 1870, the Council is empowered to purchase any tramway undertaking in London twenty-one years after the date of its authorization or at any period of seven years subsequent to that time. The terms of purchase are (see Section 43): "the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever) of the tramway, and all lands, buildings, works, materials and plant of the promoters, suitable to and used by them for the purposes of their undertaking within such district." The Act also provides (Section 44) for the purchase by agreement of tramway undertakings before the expiration of the period of twenty-one years.

These powers have been generally exercised by the Council, with the result that out of 116 road-miles of line within the county, 99½ road-miles have been acquired or are in course of acquisition by the Council. The lines on the north side of the Thames have been leased by the Council to a private company for 14 years from midsummer, 1896. The terms of the lease are fully set out as a schedule to the North Metropolitan Tramways Act, 1897. On the other hand, the Council has decided itself to work those lines which it has acquired on the south side of the Thames, having obtained the necessary powers therefor by the London County Tramways Act, 1896.